

# Congress of the United States

Washington, DC 20510

June 22, 2023

Ambassador Katherine Tai  
United States Trade Representative  
Office of the United States Trade Representative  
600 17th Street NW  
Washington, DC 20508

Dear Ambassador Tai,

**As members of Congress committed to LGBTQI+ equality at home and around the world, we write to urge you to temporarily pause the U.S.-Kenya Strategic Trade and Investment Partnership (STIP) negotiations until Kenyan President William Ruto commits to vetoing any legislation that further criminalizes the LGBTQI+ community.**

The United States has an obligation to advocate for human rights abroad, including for LGBTQI+ people. President Biden has made clear that promoting the human rights of LGBTQI+ people is a priority for his administration, as illustrated by his *Memorandum on Advancing the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Persons Around the World*.

LGBTQI+ rights continue to be under threat around the world. Most recently, Uganda enacted their Anti-Homosexuality Act, 2023, which among other provisions, would impose the death penalty for “aggravated homosexuality” and criminalize the “promotion of homosexuality.”

Sixty-seven countries continue to criminalize consensual same-sex sexual acts and, twelve of these countries have jurisdictions in which the death penalty can be imposed for private, consensual same-sex sexual activity.

We are especially concerned by the deteriorating human rights situation for LGBTQI+ people in Kenya and the possibility of Kenya enacting legislation similar to Uganda’s Anti-Homosexuality Act. By undertaking special trade negotiations only with Kenya among all African countries, the Biden administration is elevating Kenya as a special U.S. partner and giving the current Kenyan government recognition and validation.

Yet, this year, a Member of Parliament submitted a bill misleadingly titled the “Family Protection Bill” to the Kenya National Assembly. This bill would further criminalize people who are LGBTQI+ and people who promote LGBTQI+ rights. This bill would also impose the death penalty in certain situations.

This bill is being considered during a particularly tumultuous time for LGBTQI+ people in Kenya. Despite an important Kenyan Supreme Court ruling holding that “it would be unconstitutional to limit the right to associate, through denial of registration of an association, purely on the basis of the sexual orientation of the applicants,” LGBTQI+ people continue to

face threats and barriers to living their lives openly. According to the State Department's 2022 Human Rights Report, violence and discrimination against LGBTQI+ people in Kenya is widespread. In addition, there has been significant backlash in Kenyan society to the recent Supreme Court ruling, including by religious leaders. Alarming, Kenyan President William Ruto has called for nullification of the ruling and has instructed his Attorney General to ask the Supreme Court to review and overturn its decision.

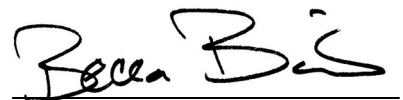
The United States must use every tool in its disposal to ensure the human rights of LGBTQI+ people are protected. **Against the backdrop of consideration of the so-called Family Protection Bill in Kenya, we urge you to pause the STIP negotiations and only resume them if President Ruto commits to vetoing any legislation that further criminalizes the LGBTQI+ community, including the hateful bill now being considered.**

The United States must make clear to both Kenya and other countries considering similar legislation that we will not stand idly by as they move to criminalize or further criminalize people for being LGBTQI+. If countries wish to strengthen their economic and trade ties to the United States, they must ensure they will protect the human rights of their residents—not further criminalize them for who they are.

Sincerely,



Mark Pocan  
Member of Congress



Becca Balint  
Member of Congress



Jamaal Bowman, Ed.D.  
Member of Congress



Greg Casar  
Member of Congress



Joaquin Castro  
Member of Congress



Lloyd Doggett  
Member of Congress



Raúl M. Grijalva  
Member of Congress



Jared Huffman  
Member of Congress



Sheila Jackson Lee  
Member of Congress



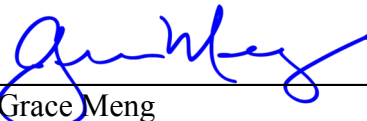
Pramila Jayapal  
Member of Congress



Stephen F. Lynch  
Member of Congress



James P. McGovern  
Member of Congress



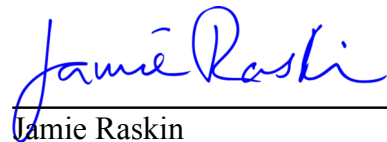
Grace Meng  
Member of Congress



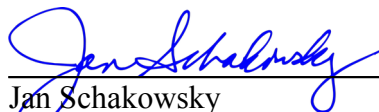
Eleanor Holmes Norton  
Member of Congress



Katie Porter  
Member of Congress



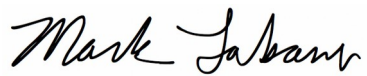
Jamie Raskin  
Member of Congress



Jan Schakowsky  
Member of Congress



Brad Sherman  
Member of Congress

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Mark Takano  
Member of Congress

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Dina Titus  
Member of Congress

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Paul D. Tonko  
Member of Congress